

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10938 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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SANSKAR TRUST THROUGH MANAGINGTRUST BALDEVBHAI PATEL

Versus

ASSTT. PROVIDENT FUND                      COMMISSIONER

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Appearance:

MR BR PARIKH for Petitioners  
MR JD AJMERA for Respondent No. 1  
MR AY KOGJE for Respondent No. 4  
None present for other Respondents

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 20/10/97

ORAL JUDGMENT

1. Challenge has been made by the petitioner to the order dated 17th March 1990 passed by respondent No.1 under section 7-A of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952.

2. The petitioner stated in the Special Civil

Application that it has filed review application against the said order which is pending. The order of respondent No.1 dated 17th March 1990 has been passed under section 7-A of the aforesaid Act and against this order, a statutory right of appeal under section 7-I of the Act has been provided. The day on which this Special Civil Application has been filed, the Central Government had not constituted any appellate tribunal under section 7-A of the said Act but now the Tribunal has been constituted. Where the petitioner has alternative efficacious remedy available against the impugned order, this writ petition is not maintainable.

3. In the result, this Special Civil Application fails and the same is dismissed only on the ground of availability of alternative remedy against the impugned order. However, it is made clear that the appellate tribunal may not dismiss the appeal, if any, filed by petitioner, against the impugned order within a period of one month from today, only on the ground of limitation and the same may be decided on merits. Rule therein discharged subject to aforesaid directions. No order as to costs.

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(sunil)